

**A RESOLUTION
BY COUNCILMEMBERS "ABLE" MABLE THOMAS AND FELICIA A. MOORE**

AS SUBSTITUTED BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

**A RESOLUTION BY COUNCILMEMBERS "ABLE" MABLE THOMAS
AND FELICIA A. MOORE ADOPTING THE CITY OF ATLANTA'S
GEORGIA GREENSPACE PROGRAM AND AUTHORIZING THE
MAYOR TO SUBMIT THE PROGRAM APPLICATION TO FULTON
AND DEKALB COUNTIES AND TO THE GEORGIA DEPARTMENT OF
NATURAL RESOURCES; CLARIFYING THE PROVISIONS OF THE
GREENSPACE TRUST FUNDS; AND FOR OTHER PURPOSES.**

WHEREAS, the Georgia General Assembly created the Georgia Greenspace Program which took effect on July 1, 2000; and

WHEREAS, in order to receive grant monies from the State of Georgia under the Greenspace Program, each eligible county must submit their own greenspace program to the Georgia Greenspace Commission, which then must approve the program; and

WHEREAS, both Fulton and DeKalb Counties have been designated as counties eligible to participate in the Georgia Greenspace Program for fiscal year 2001; and

WHEREAS, municipalities that lie wholly or partly within an eligible county may qualify for a portion of that county's grant funds in proportion to the population of the jurisdiction if the county elects to participate in the Georgia Greenspace Program; and

WHEREAS, the City of Atlanta is a municipality lying partly in Fulton County and partly in DeKalb County; and

WHEREAS, Resolution 00-R-1576 expressed the intent of the City of Atlanta to participate with Fulton and DeKalb Counties in their Greenspace Programs and authorized the Mayor to apply for greenspace monies and established community greenspace trust funds; and

WHEREAS, the City of Atlanta wishes to adopt its Georgia Greenspace Program application as shown in the attached Exhibit A and to clarify the provisions of the trust funds established by Resolution 00-R-1576.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
ATLANTA, GEORGIA, AS FOLLOWS:**

SECTION 1: The City of Atlanta Georgia Greenspace Program as described in the application shown in Exhibit A is hereby adopted.

SECTION 2: The City of Atlanta Georgia Greenspace Program as described in the application shown in Exhibit A sets forth the City of Atlanta's greenspace protection

goals, methods, schedule, and funding sources available to the municipality (other than the funds provided by the state greenspace program grants) that the City intends to use and follow to achieve its greenspace goals.

SECTION 3: The City certifies that it will diligently pursue the implementation of the program as described in Exhibit A.

SECTION 4: The Mayor is hereby authorized to forward the City of Atlanta's Georgia Greenspace Program application to Fulton and DeKalb Counties and the Georgia Department of Natural Resources.

SECTION 5: The City of Atlanta's Community Greenspace Trust Funds authorized by Resolution 00-R-1576 shall be subject to the same terms and conditions applicable to the respective Fulton and DeKalb County Community Greenspace Trust Funds.

SECTION 6: Monies deposited into the Community Greenspace Trust Funds authorized by Resolution 00-R-1576 by grant from the Georgia Greenspace Trust Fund ("State Fund") and any matching funds deposited into such trust fund, together with interest thereon, shall be expended solely to defray the costs of acquisition of greenspace, or of conservation, scenic, or other easements which contribute to the goals set out for greenspace in O.C.G.A. 36-22-2.

SECTION 7: Pursuant to Administrative Rule 391-1-4-.07, regarding the establishment and operation of Community Greenspace Trust Funds, the Community Greenspace Trust Funds authorized by Resolution 00-R-1576 shall be special revenue funds as described in O.C.G.A. 36-81-2.

SECTION 8: The City shall perform the following functions with respect to the Community Greenspace Trust Funds authorized by Resolution 00-R-1576:

- A. Expend funds received from Georgia's Greenspace Program only for the purchase of fee-simple or lesser interests in real property which permanently protects greenspace within the jurisdiction of the eligible county and for direct costs of acquisition of said property; and
- B. Account for all deposits, income from those deposits, and expenditures to and from its Community Greenspace Trust Funds; and
- C. Maintain separate accounting within its Community Greenspace Trust Funds for appropriated funds and interest earned thereon; for deposits from each federal grant program and interest earned thereon; and for deposits from each donor of funds and interest earned thereon; and
- D. Expend or obligate, within three fiscal years of receipt, or for such longer period as may be approved by the Georgia Department of Natural Resources for cause, or otherwise specified by the applicable grant award agreement, all moneys received from the State Fund, and record in its capital account all lands and interest in land which are purchased with such moneys; and

- E. Maintain separate accounting for each recipient of moneys from its Community Greenspace Trust Funds, together with the sources and amounts of funds so granted; and
- F. Annually transmit to the Georgia Department of Natural Resources a report of audit of its capital account and its Community Greenspace Trust Funds; and
- G. Seek additional sources of moneys, including local funds, federal grants, and donations, to increase the amounts available from the appropriated moneys.

SECTION 9: All resolutions and parts of resolutions in conflict herewith are hereby rescinded.

EXHIBIT A

**City of Atlanta
Georgia Greenspace Program**

CITY OF ATLANTA

GEORGIA GREENSPACE PROGRAM

CONCEPT PLAN



Department of Planning, Development, and Neighborhood Conservation

Bureau of Planning

City of Atlanta Profile

The City of Atlanta has a land area of 132 square miles or 84,480 acres. According to the most recent United States Census Bureau estimates, the city's population in 1998 was approximately 370,000 persons or slightly less than half of all the residents of Fulton County. The city is the largest municipality in the State of Georgia, home to all the major branches of government, and is a major regional, national, and international service and financial center. Residential land uses, consisting of well-defined neighborhoods, represent nearly half of the city's total land area. Another 20 percent of the city is devoted to land uses associated with transportation, communication, and utility industries.

Population growth during the latter part of the 1990s increased significantly in comparison to earlier in the decade. Increased demand for in-town housing along with increased interest in business and commercial development has created a highly competitive market for available sites and raised the cost of land.

City of Atlanta Goal for Greenspace Protection

The goal of the City of Atlanta for the Georgia Greenspace Program is to permanently protect at least 20 percent of the city's geographic area as open greenspace that can be used for informal recreation and natural resource protection. Of the City's total land area (84,480 acres), 20 percent is equal to 16,896 acres (see attached map). In an effort to meet the City's 20 percent open greenspace goal, permanent protection will be sought on land types listed in the table below. Each land type is followed by anticipated percent contribution to the 20 percent total. While 20 percent is the City's immediate goal, in the future the City will strive to exceed the goal as acquisition opportunities arise.

Land Type	Acres	% of total
Floodplain and wetlands (includes Chattahoochee River Park)	5,068.80	6.00%
Urban Forest Tracts	84.48	0.10%
Greenways	844.8	1.00%
Existing Nature Preserves	84.48	0.10%
Other Existing Passive Parks	1,267.20	1.50%
New Park Land	633.6	0.75%
Vacant/Undeveloped Land	8,912.64	10.55%
TOTAL	16,896.00	20%

Environmentally sensitive lands, such as the 100-year floodplain and wetlands, are the priority targets for protection. However, the 100-year floodplain and wetlands do not represent 20 percent of the City's geographic area. Therefore, other areas will also be targeted. The City of Atlanta commits to use Georgia Greenspace monies to expand the existing park system by establishing new park lands in areas where there are no parks.

Also important consideration will be given to protecting the remaining urban forest tracts that are under the threat of imminent development. In most cases, these areas contain a variety of distinct ecosystems and provide habitat for numerous wildlife species.

Greenways are also targeted for permanent protection. Furthermore, existing city parks can benefit from permanent protection. While not all the existing City Parks can be permanently protected under the Greenspace Program due to the active recreation they provide, the City will make every effort to permanently protect those park areas such as existing nature preserves (North Camp Creek, Cascade Springs, Daniel Johnson, and the Outdoor Activity Center) and other existing parks currently used for passive recreation. Vacant and/or undeveloped land is also ideal for permanent protection. Note that not all permanently protected property will be public. Some property may be protected through conservation easements and remain in private ownership.

Preservation of the land types discussed above is consistent with the nine goals established in the Georgia Greenspace Program. The protection of water quality,

floodplain, wetlands, riparian buffers, natural habitats, and scenic views, the reduction of erosion, the provision of informal recreation, and the connection of existing or planned areas will be attained with the permanent protection of at least 20 percent of the city's land.

It is important to point out that the Greenspace Program will help the City to continue with the implementation of the Atlanta Parks, Open Space, and Greenways Plan adopted in 1993. This plan establishes the creation of a system of greenways and new parks throughout the City connecting all major parks, stream corridors, and public spaces. The greenways create a continuous chain of dedicated public open space and recreational opportunities as shown in the attached map.

Consistency of Comprehensive Plan with Greenspace Program

The City of Atlanta 2001 Comprehensive Development Plan (CDP), adopted July 2000, includes the following policy in the Parks and Recreation Section, Current Policies: Open Space and Greenways: "Promote the permanent protection of greenspace constituting at least 20 percent of the city's geographic area, in accordance with the Georgia Greenspace Program. This land can be used for informal recreation and natural resource protection." The CDP serves to establish general policy, while specific land types targeted for the Georgia Greenspace Program are listed and described in this document. The Georgia Greenspace Program is also listed in the 2001 CDP Parks and Recreation Section under Current Projects: Open Space and Greenways.

As recommended by the Georgia Department of Community Affairs, the City has included a set of policies in the 2001 CDP and adopted ordinances that will protect wetlands and water supply watersheds in providing for the health, safety, and welfare of its citizens. The wetland ordinance establishes a wetland protection district, identifies allowable development and requires development permits, and articulates permissible uses (uses as of right). The water supply watershed ordinance establishes a water supply watershed district, identifies a water quality critical area, delineates limited development

areas, imposes land use restrictions, lists required development permits, establishes impervious surface limitations, and identifies non-conforming uses and circumstances under which a variance may be granted.

The 2001 CDP Natural Resources Section includes a series of policies that encourage the protection and conservation of the City's natural resources, the protection and enhancement of the City's park lands, the protection and enhancement of the function and integrity of the City's floodplains, the protection and preservation of the City's wetlands, the achievement of water quality standards in city streams and creeks, the protection and enhancement of trees in the City's urban forest, and the protection and enhancement of wildlife and native plant habitats. In general, the 2001 CDP includes policy statements encouraging the preservation and enhancement of open space and natural resources in a manner consistent with the Georgia Greenspace Program. The City of Atlanta commits to make every effort to pursue permanent protection of open greenspace lands.

Existing Conditions

Unprotected Lands

The City has approximately 3,200 acres of parkland that represents 3.78 percent of the city's total geographic area. Atlanta parkland comprises a wide variety of natural resource areas and environmental functions. Eighty-five percent of City parks are located along streams in floodplain and wetland areas, in areas with steep and rocky topography, or in other environmentally sensitive areas. Further research will be necessary to determine how much existing park land is permanently protected and how much is unprotected.

While all means for preservation will be considered (fee-simple acquisition, conservation easements, donations, policy, legislation), the use of a specific tool will depend on the nature and accessibility of the land, and the resources available.

Protected Land

The City is working with the Trust for Public Land to acquire land for the Chattahoochee River Corridor Park. This park is proposed to link the National Recreation Area, at the northern City limits, with Sweet Water Creek State Park on Camp Creek Parkway, four miles south of the Fulton County Airport and the southern City limits. The purpose of this project is to reclaim the Chattahoochee River Corridor and permanently protect it as a sustainable resource. One hundred seventy acres of conservation easements in the Corridor are currently held in trust by the Trust for Public Land.

The City of Atlanta's four nature preserves (listed above) are deed restricted in use. Deed restrictions offer some level of protection, though not necessarily in accordance with the Georgia's Greenspace Program.

Furthermore, as part of a Consent Decree designed to improve water quality in Metro Atlanta streams and the Chattahoochee and South Rivers, the City of Atlanta is working on a \$25 million Greenway Acquisition Project to acquire property along selected portions of streams in Metro Atlanta. Donations of parcels and conservation easements will be emphasized. All land acquired under this project will be permanently protected. An attached map shows the prioritized areas for land acquisition.

Ten year Strategy to Achieve County's Goal

Short-term Implementation Strategy

▪ Two year Acquisition Strategy

1. Establish criteria for project selection (December 2000-January 2001).
2. Select and prioritize projects (January 2001-February 2001).
3. Begin acquiring priority projects such as new parkland, floodplains and wetlands, greenways, stream buffers, urban forest tracts (March 2001-December 2002).

▪ Two year Strategy for Protecting Existing Public Open Space

1. Inventory existing public open space (April 2001-May 2001).
2. Conduct title research for existing protection through deed restrictions (June 2001-December 2001).
3. Determine which public properties should be permanently protected (January 2002-March 2002).
4. Place deed restrictions on properties to be permanently protected (April 2002-December 2002).

Local Land-Use Ordinances, Policies and Regulations

Land use.

The 2001 CDP contains the 15-year land use maps by Neighborhood Planning Unit (NPU). Those maps are enclosed.

The following sections list existing tools the City of Atlanta has to acquire open greenspace and describes how these tools are currently used. Additional tools are also listed below. The City of Atlanta commits to make every effort to use and study the feasibility of existing and additional tools to pursue permanent protection of open greenspace.

The City of Atlanta's existing local land-use ordinances, policies, and regulations that will further the permanent protection of open greenspace:

- Parks Open Space and Greenways Plan (1993) (part of CDP)
- Open Space Land Use Category on Existing and Future Land Use Maps
- Comprehensive Development Plan policies on Natural Resources, Parks and Recreation, and Land Use
- Open Space Requirements in the Zoning Ordinance
- Open Space Requirements in the Public Works Code (such as floodplain regulations)
- Wetland and Water Supply Watershed Protection Ordinances
- Tree Ordinance
- Provisions for Transfer of Development Rights for historic sites

Use of existing tools to further the permanent protection of open greenspace:

- Open space acquisition is occurring according to the Parks Open Space and Greenways Plan (for example, the City has ongoing agreements with both the PATH Foundation and the Trust For Public Land to acquire property and conservation easements according to the Plan).
- Open space is preserved through the development review process using the Land Use Maps, Zoning Ordinance, Public Works Code, and other ordinances.
- Transfer of Development Rights is used to preserve historic open space such as parks and battlefields.
- Reflect Existing and Future Protected Open Space on Existing and Future Land Use maps.

City of Atlanta's commitment to use existing tools for permanently protecting open greenspace:

The City will determine the feasibility of the following options: (Target completion times are indicated)

- Where appropriate, obtain conservation easements on newly acquired open space properties (Goal: 1 year).
- Revise the Comprehensive Development Plan where appropriate to provide policies for 1) showing open space protected by ordinance (such as floodplains and wetlands) on the Existing and Future Land Use Maps and 2) creating an “open space” zoning classification, that will also apply to those lands protected by ordinance (Goal: 2 years).
- Encourage donation of conservation easements on lands where development is restricted by existing ordinances (Goal: 2 years).

Additional tools to achieve the City of Atlanta’s open greenspace goals:

The City will determine the feasibility of the following options: (Target completion times are indicated)

- Amendments to strengthen existing tools such as more stringent floodplain protection (Goal: 1 year).
- Adoption of stream buffer ordinance including protection of hydric soils, floodplain, and stream corridor wetlands (Goal: 1 year).
- Adoption of ordinance to prevent development on steep slopes (Goal: 2 years).
- Adoption of updated Parks Open Space and Greenways Plan including conservation/acquisition strategy and identification of sensitive lands to be protected (Goal: 2 years).
- Obtain conservation easements on public properties including City parks (Goal: 2 years).
- Obtain conservation easements on greenways along streams under the City of Atlanta Greenway Acquisition Program (Goal: 1-6 years).
- Create open space mitigation banks (Goal: 3 years).
- Create mechanism for accepting and maintaining open space lands and conservation easements (Goal: 1 year).
- Develop appropriate incentives for the protection of open space (Goal: 2 years).

- Amend development codes to both reduce variances to open space requirements and increase opportunities to provide open space through development (Goal: 2 years).
- Integrate permanently protected open space and permanent stormwater BMPs (Goal: 4 years).
- Determine feasibility of creating an open space zoning classification in conjunction with a policy to calculate densities based upon “buildable area” (Goal: 2 years).
- Require open space set-a-sides as a condition for development projects receiving City funding (Goal: 3-4 years).
- Require mitigation for variances from open space requirements (Goal: 3 years).

Barriers to Achieving Greenspace Goal

Legal and structural barriers that could prevent the city from achieving its greenspace goal:

- Over-development.
- Prohibitive land costs.
- Environmental problems with available land (like contamination, stream bank erosion, or closed landfills) which raise liability concerns.
- Cumbersome, expensive, and time consuming procedures for individuals and governments to process real estate transactions including conservation easements, fee simple purchases, and donations.
- Lack of open space requirements for Planned Development Zoning Districts.
- Few provisions for the consolidation of open space requirements off-site.
- Open space protected by ordinance, zoning conditions, and future open space as identified in the Parks Open Space and Greenways Plan are not identified on the Future Land Use Map and therefore are not “caught” in the development review process, and if they are “caught” there is no mechanism to mandate preservation or to compensate property owners for their lost development rights.
- No mitigation requirements for variances from open space requirements.

- No open space zoning classification for city own open space or otherwise protected open space.

Removal or mitigation of legal and structural barriers that could prevent the City from achieving the twenty percent goal.

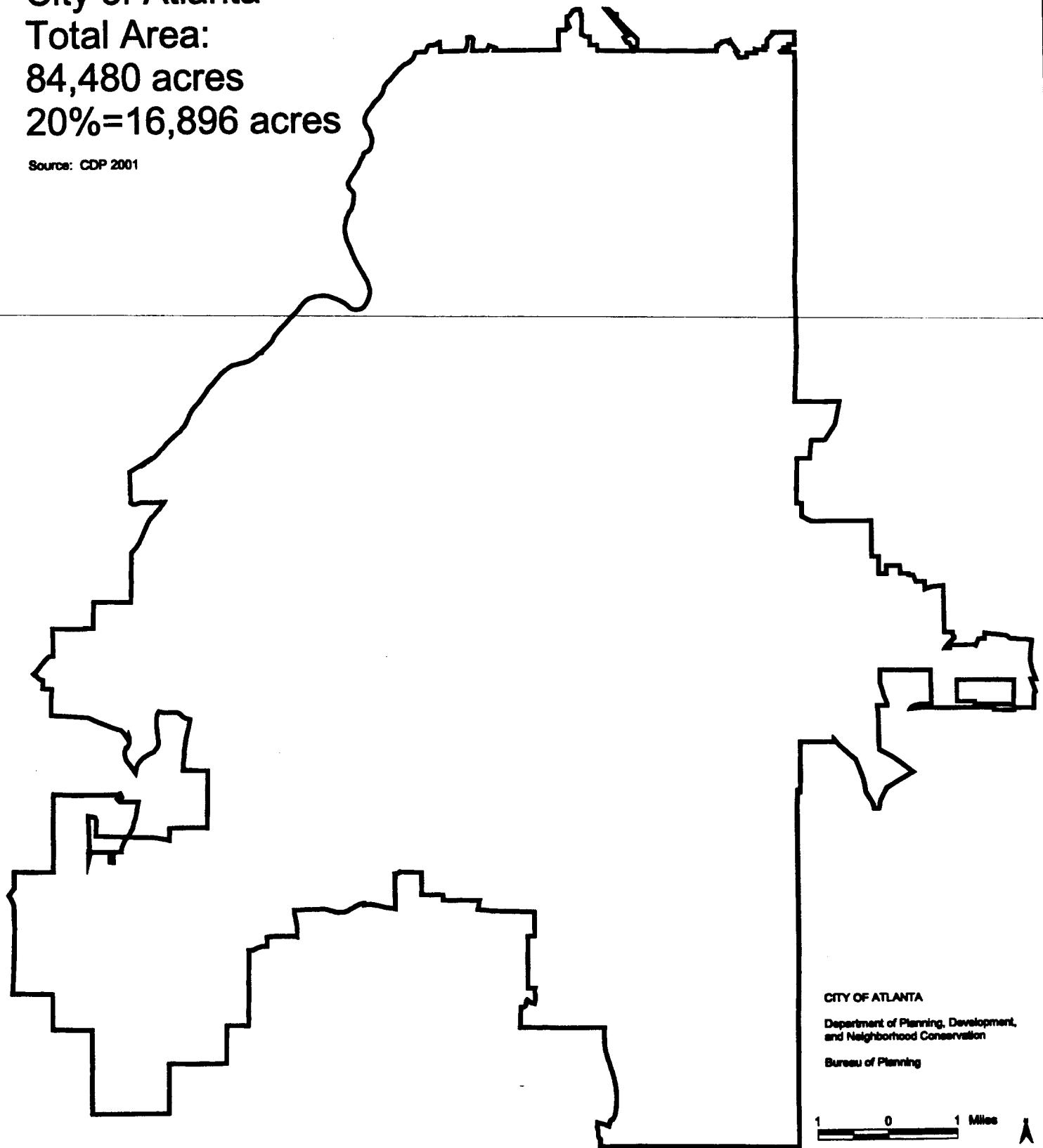
The City will determine the feasibility of the following: (estimated completion dates are indicated)

- Streamline process for real estate transactions, including environmental assessment, and integrate into the development review process so that conservation areas required as conditions of zoning receive conservation easements (Goal: 2 years).
- Require dedication of conservation areas indicated on the Future Land Use Map through the development review process and define policies for the compensation of property owners and developers for lost development rights (Goal: 2 years).
- Track public acquisitions of open space, private conservation easements required by the City, and lands protected by ordinance on a GIS for easy reference in the development permitting process (Goal: 1 year).
- Augment or improve Planned Development Zoning Districts and/or relax prescriptive zoning requirements in other zoning categories (Goal: 3 years).
- Investigate the creation of an open space zoning classification in conjunction with a policy to calculate densities based upon “buildable area” (Goal: 2 years).
- Investigate legal mechanisms for allowing consolidation of open space requirements off-site (Goal: 3 years).
- Require mitigation for variances (Goal: 3 years).
- Expand transfer of development rights provision to apply to open space preservation (Goal: 3 years).

CITY OF ATLANTA

City of Atlanta
Total Area:
84,480 acres
20%=16,896 acres

Source: CDP 2001



CITY OF ATLANTA

Department of Planning, Development,
and Neighborhood Conservation

Bureau of Planning

1 0 1 Miles

